

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,      )      CR 12-44-M-DWM  
                                    )  
                                    )  
Plaintiff,                      )  
                                    )  
                                    )  
vs.                              )      ORDER  
                                    )  
                                    )  
SCOTT LEE HUBENY,              )  
                                    )  
                                    )  
Defendant.                      )  
                                    )  
\_\_\_\_\_

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 10, 2013. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d

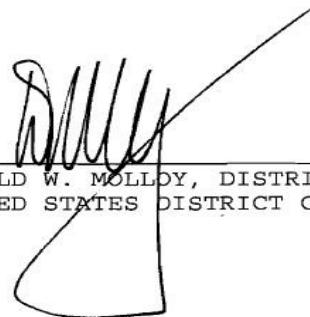
422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Scott Lee Hubeny's guilty plea after Hubeny appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of theft of government money in violation of 18 U.S.C. § 641 (Counts I), as alleged in the Information filed against him.

I find no clear error in Judge Lynch's Findings and Recommendation (doc. 16), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Scott Lee Hubeny is adjudged guilty of Count I of the Information.

DATED this 29<sup>th</sup> day of January, 2013.



DONALD W. MOLLOY, DISTRICT JUDGE  
UNITED STATES DISTRICT COURT